

**Pleas in law and main arguments**

By this appeal, the appellant is seeking the annulment of the judgment of the Civil Service Tribunal (CST) of 4 September 2008, given in Case F-22/07 *Lafili v Commission*, by which the CST annulled the decision of the Head of Unit A6 'Career structure, evaluation and promotion' in the 'Personnel and Administration' General-Directorate of the Commission of the European Communities of 11 May 2006, in so far as the judgment under appeal rejects the appellant's pleas in law alleging infringement of Articles 44 and 46 of the Staff Regulations of Officials of the European Communities ('the Staff Regulations') and Article 7 of Annex XIII to the Staff Regulations and an infringement of the principle of legitimate expectations.

In support of his appeal, the appellant raised a single plea alleging the infringement, at first instance, of Articles 44 and 46 of the Staff Regulations, of Article 7 of Annex XIII to the Staff Regulations, the infringement of the principles of interpretation of Community law and of the obligation to state reasons, and a distortion of the evidence.

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**Action brought on 17 November 2008 — Kureha v OHIM — Sanofi-Aventis (KREMEZIN)**

(Case T-487/08)

(2009/C 19/60)

*Language in which the application was lodged: English***Parties**

*Applicant:* Kureha Corp. (Tokyo, Japan) (represented by: W. von der Osten-Sacken and O. Sude, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)

*Other party to the proceedings before the Board of Appeal:* Sanofi-Aventis SA (Gentilly, France)

**Form of order sought**

— Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 15 September 2008 in case R 1631/2007-4; and

— Order the other party to the proceedings before the Board of Appeal to pay the costs.

**Pleas in law and main arguments**

*Applicant for the Community trade mark:* The applicant

*Community trade mark concerned:* The word mark 'KREMEZIN' for goods in class 5 — application No 2 906 501

*Proprietor of the mark or sign cited in the opposition proceedings:* The other party to the proceedings before the Board of Appeal

*Mark or sign cited:* International trade mark registration No 529 937 of the word mark 'KRENOSIN' for goods in class 5

*Decision of the Opposition Division:* Upheld the opposition in its entirety

*Decision of the Board of Appeal:* Dismissal of the appeal

*Pleas in law:* Infringement of Rule 19 and of Rule 20(1) of Commission Regulation No 2868/95 <sup>(1)</sup>, as well as misuse of power, as the Board of Appeal wrongly considered that the other party to the proceedings before it has sufficiently proven the existence and validity of the earlier trade mark; Infringement of Article 8(1)(b) in connection with Article 43(2) and (3) of Council Regulation No 40/94 as the Board of Appeal erred in its finding that there is a likelihood of confusion between the trade marks concerned.

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<sup>(1)</sup> Commission Regulation (EC) No 2868/95 of 13 December 1995 implementing Council Regulation (EC) No 40/94 on the Community trade mark (OJ 1995 L 303, p. 1).

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**Action brought on 14 November 2008 — Galileo International Technology v OHIM — GALILEO SISTEMAS Y SERVICIOS (GSS GALILEO SISTEMAS Y SERVICIOS)**

(Case T-488/08)

(2009/C 19/61)

*Language in which the application was lodged: English***Parties**

*Applicant:* Galileo International Technology LLC (Bridgetown, Barbados) (represented by: S. Malynicz, Barrister, K. Gilbert and M. Blair, Solicitors)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)

*Other party to the proceedings before the Board of Appeal:* Galileo Sistemas y Servicios, SL (Tres Cantos, Spain)